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OCT 21 2010

OFFICE OF PETITIONS

PATENT

Practitioner's Docket No. KOTOV-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Irwin Kotovsky

Application No.: 10/090,515

Group No.: 3752

Filed: 03/01/2002

Examiner: Steven J. Ganey

For: METHOD AND APPARATUS FOR A LIGHTING AND/OR MECHANICAL SYSTEM

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

2010 OCT 15 PM 1:33

CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME

This conditional petition is being filed along with the accompanying Request for Reconsideration and provides for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Conditional petition for extension of time

If any extension of time for the accompanying response is required, applicant requests that this be considered a petition therefor.

Status

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Signature

Date:

10/6/10

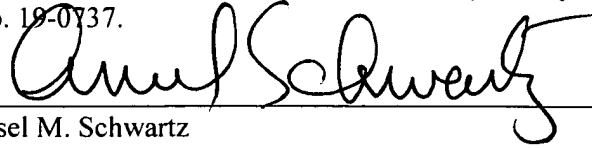
Tracey L. Klaas

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Authorization for payment of fees

The Office is authorized to charge any fees under 37 C.F.R. § 1.17(a) to (d), which may be required by this Conditional Petition to Deposit Account No. 19-0737.

A handwritten signature in black ink, appearing to read "Ansel Schwartz", written over a horizontal line.

Ansel M. Schwartz
Registration No. 30,587
Attorney at Law
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
412-621-9222



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---------------------------|---|--|---------------------|
| Applicant | : | Irwin Kotovsky | RECEIVED |
| Patent No. | : | 6,997,267 | OCT 21 2010 |
| Issue Date | : | February 14, 2006 | OFFICE OF PETITIONS |
| Application No. | : | 10/090,515 | |
| Filing Date | : | March 1, 2002 | |
| Senior Petitions Attorney | : | Charles Steven Brantley | |
| Docket No. | : | KOTOV-10 | |
| Title of the Invention | : | Method and Apparatus for a Lighting and/or Mechanical System | |

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

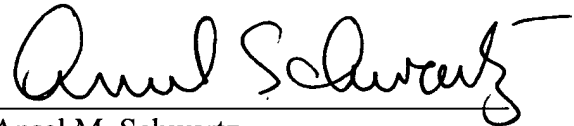
This is a request for reconsideration on the Decision on Petition dated August 31, 2010. Enclosed is also a Declaration responsive to the questions that were raised in the Decision On Petition. This Declaration states that the first time attorney of record Ansel Schwartz paid a maintenance fee by Express Mail was to pay the maintenance fee for the above-identified patent. Further, that it is the standard practice for him to pay maintenance fees by credit card through the Internet at the USPTO website. In the instances where the entity status of a patent needed to be changed in regard to the maintenance fee, attorney Schwartz had always mailed the necessary documentation and payment by standard regular U.S. mail and not Express Mail. The reason that Express Mail was used in regard to payment of the above-identified patent application along with

the change of entity status documentation was because the same was being sent on the very last day that payment could be timely made and Attorney Schwartz wanted to be able to have a tracking history of the Express Mail.

In addition, the Decision On Petition states that a copy of the envelope included as Attachment D of the petition filed by Petitioner on March 12, 2010 could not be located. A copy of Attachment D is also enclosed.

Accordingly, Petitioner requests that the petition filed by Petitioner on March 12, 2010 to accept payments of the maintenance fee for the above-identified patent as having been made in a timely manner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ansel Schwartz", written over a horizontal line.

Ansel M. Schwartz
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Tel.: (412) 621-9222

Attorney for Petitioner



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------|---|--|----------------------------|
| Applicant | : | Irwin Kotovsky | RECEIVED |
| Patent No. | : | 6,997,267 | OCT 21 2010 |
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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

Sir:

I, Ansel M. Schwartz, hereby declare that:

It is my standard practice to pay maintenance fees for U.S. patents for which I am responsible by credit card at the USPTO website through the Internet.

On Saturday, February 13, 2010, when I went to pay the maintenance fee for U.S. Patent 6,997,267 (the subject patent), after entering the necessary information into the USPTO website for maintenance fee payments, I saw that the subject patent was still listed as having small entity

status. The subject patent was no longer eligible for small entity status, but was subject to large entity status.

Once I realized that the subject patent was still listed as subject to small entity status on the USPTO website for maintenance fee payments, I did not proceed any further with payment by credit card for the maintenance fee since the amount would be incorrect that would be paid.

Instead, I decided to send by Express Mail the documentation to pay the maintenance fee for the subject patent as a large entity, and to also include the documentation to change the subject patent to large entity status. I chose to use Express Mail so I could track the envelope that was to be sent to the USPTO to pay the maintenance fee for the subject patent, since I would be paying the maintenance fee for the subject patent on the last day that I would be able to pay its maintenance fee.

I had never before made a payment for a maintenance fee for a U.S. patent using Express Mail.

The few previous times I had mailed a payment to the US PTO for a maintenance fee for a patent because the status of the patent had changed, and the fee identified at the website of the USPTO for the corresponding patent was incorrect, was always by regular U.S. mail, and not by Express Mail. Again, what was unique about the payment for the subject patent's maintenance fee is because it was being paid on the last day it could be paid, and I wanted to be able to track the envelope, which Express Mail allowed me to do. By sending an envelope by standard U.S. mail, and not by Express Mail, I would not be able to track the envelope.

All of the maintenance fees for the following patents (which were listed in the Decision on Petition dated August 31, 2010 for the subject patent, that the Senior Petitions Attorney requested the mailing address used by myself be identified when submitting the payment) were

paid by me with a credit card at the USPTO web site for maintenance fee payments through the Internet. No payment was sent by U.S. mail in any way.

6,351,335

6,997,574

6,373,612

6,352,392

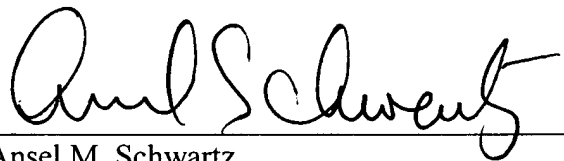
6,997,558

6,406,846

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

10/6/10

Date



Ansel M. Schwartz
Attorney for Petitioner

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Scheduled Time of Delivery: 06:07
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Return Receipt Fee: \$
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Mo. Day Delivery Date: 02 16
Time: 08:30
Employee Signature: [Signature]
Employee Signature: [Signature]

FROM: PLEASE PRINT
ANSEL SCHWARTZ
ANSEL M SCHWARTZ ATTORNEY AT L
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